

competitive and labor classes and that those applying for examination for employment in competitive and labor classes shall pay a fee for such examination, which fee shall be used to pay the expense of the service. The classified service shall include employees of the State when this act takes effect in their respective positions for certain periods, and for filing applications for examination, and for their examination in which credit shall be given for experience. The act further provides for the method of making appointments to the State competitive service and for the method of removal of State employees in the State competitive service."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room;

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 51, A bill to be entitled "An Act providing that appointments to the State service where practicable shall be made on the basis of merit determined after examination; that the Board of Control may put this principle into effect; that said Board may create rules and regulations for that purpose; that the officers and employees of the State shall be divided into non-competitive, competitive and labor classes and that those applying for examination for employment in competitive and labor classes shall pay a fee for such examination, which fee shall be used to pay the expense of the service. The classified service shall include employees of the State when this Act takes effect in their respective positions for certain periods, and for filing applications for examination, and for their examination in which credit shall be given for experience. The Act further provides for the method of making appointments to the State competitive service and for the method of removal of State employees in the State competitive service."

Have had the same under consideration, and beg leave to differ with the majority, and report the same back to the Senate with the recommendation that it do not pass.

PARR,
MILLER.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas.

May 27, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant-Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Miller.
Berkeley.	Moore.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.

Absent.

Neal.

Wirtz.

Absent—Excused.

Parr.

Price.

Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Messages From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following Executive Mesage:

Executive Department,
Austin, Texas,
May 26, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

Honorable Orion H. Campbell of

Orange, who is a member of the Pilot Commission of Sabine Pass District, is moving his home from Texas into Louisiana, and has tendered his resignation on such Commission.

To succeed Mr. Campbell, resigned, I appoint and submit for your consideration and confirmation Honorable William Reid of Orange County, Texas.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Executive Department,
Austin, Texas,
May 26, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

At the Regular Session of the Fortieth Legislature, Mrs. Ada Pettus McFaddin was appointed as a member of the Fannin State Park Board. Mrs. McFaddin advises me that she is unable to accept this place, due to the time that she is out of Texas.

To succeed Mrs. McFaddin, I submit for your confirmation the name of Mrs. Genevieve Powers Stevenson of Victoria County, Texas, to be a member of the Fannin State Park Board.

The names of J. T. Vance, John O'Brien and Mrs. Josephine Mitchell, all of Refugio County, Texas, are re-submitted for your confirmation to be Commissioners of King's Memorial Park.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Bills and Resolutions.

By Senator Real:

S. B. No. 65, A bill to be entitled "An Act providing for the redemption of land sold under decree of court for taxes levied by the State or by any county, and providing that the redemption of land so sold may be had within two years from the date of such sale and providing the terms, conditions, and penalties incident thereto; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Real:

S. B. No. 66, A bill to be entitled "An Act to amend Section 1, Chapter 20 of the General Laws of the Regular Session of the 40th Legislature by making its provisions more cer-

tain; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 67, A bill to be entitled "An Act providing that liens for street improvement created by written contract of the owner or owners of land, or by interest therein, shall be superior liens upon such improvements and providing for the enforcement thereof and declaring an emergency."

Read First time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 68, A bill to be entitled "An Act to authorize incorporated cities, towns, and villages incorporated under either general or special law, including those under a special charter or amendment of charter adopted pursuant to the Home Rule provisions of the constitution to cause to be improved, streets, avenues, alleys, highways, boulevards, drives, public places, squares, etc., and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Bowers, Moore:

S. B. No. 69, A bill to be entitled "An Act to amend Chapter 16, Article 2867 of the Revised Civil Statutes of the State of Texas, 1925, fixing the maximum portion of the ad valorem school tax to be used for the purchase and distribution of free text books, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Reid:

S. B. No. 70, A bill to be entitled "An Act to amend Chapter 2, Title 22, Revised Civil Statutes, 1925, by adding thereto Article 725a to permit the issuance of bonds by counties for the purpose of funding or refunding indebtedness hertofore incurred for the purchase and improvement of county parks; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McFarlane:

S. B. No. 71, A bill to be entitled "An Act amending Section 1 as contained in Chapter 218 of the General Laws of the Regular Session of the 40th Legislature, further regulating arrests under motor vehicle speed laws of this State and designed to prevent unnecessary arrests under

such laws; requiring uniform or badges in making such arrests, prohibiting such arrests by the officer remaining in hiding or lying in wait; abolishing fees for making arrests or officers' witness fees or commitment fees for alleged violations of laws relative to such speeding; requiring prosecutions to be dismissed by district or county attorney where such arrests were made after hiding or lying in wait; prescribing the venue of prosecutions for such speeding; enacting all other things necessary and incidental to the main purpose of this Act, and declaring an emergency."

Read first time and referred to committee on Highways and Motor Traffic.

By Senators Woodward, Wood:

S. B. No. 72, A bill to be entitled "An Act amending Articles 4667 of the Revised Civil Statutes of 1925, relating to the actual, threatened or contemplated use of any premises, place or building or part thereof for gaming or keeping or exhibiting games prohibited by the Penal Code or for keeping, being interested in, aiding or abetting the keeping of a bawdy or disorderly house as those terms are defined in the Penal Code, or for carrying on bucket shops as defined in the Penal Code, or the habitual use by or permitting to remain in any such bucket shop any telegraph or telephone wires or instruments under circumstances prohibited by the Penal Code, providing more ample provisions, remedies, means and procedure in reference to same and in reference to such offenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Triplett:

S. B. No. 73, A bill to be entitled "An Act to prohibit the killing of squirrels in Hardin County, during the months of February 1st to October 15th, inclusive; providing that during the other months of the year no one shall kill more than ten squirrels in any one day; prescribing a penalty for violation, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Bailey:

S. B. No. 74, A bill to be entitled "An Act to amend Article 1728 of the

Revised Civil Statutes of Texas as amended by Senate Bill No. 7, at the Regular Session of the 40th Legislature.

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 75, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of this Act, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wood:

S. B. No. 76, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments of the State Government, as named herein, for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Stuart, Moore, and Reid:

S. B. No. 77, A bill to be entitled "An Act to amend Section 3, Chapter 25 of the Acts of the 39th Legislature of the State of Texas, Regular Session by providing for the control of waters by any mechanical means; and to amend Section 4, Chapter 25 of the Acts of the 39th Legislature of the State of Texas, by providing that the land composing water control and improvement districts may consist of separate bodies of land, separated by land not embraced in said district, etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

Senate Bill No. 55.

Senator Bailey received unanimous consent to take up out of its order the following bill:

S. B. No. 55, A bill to be entitled "An Act providing that negotiable instruments shall not be rendered non-negotiable by reason of the execution or contents of any other paper creating a lien or other right, securing such negotiable instrument, or by reason of any reference in the negotiable instrument to such other paper, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 55 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	McFarlane.
Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Westbrook.
Holbrook.	Witt.
Lewis.	Wood.
Love.	Woodward.

Absent.

Miller.	Wirtz.
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Absent—Excused.

Parr.	Stuart.
Pollard.	Ward.
Price.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Miller.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Floyd.	Stuart.
Greer.	Triplett.
Hall.	Westbrook.
Holbrook.	Wirtz.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.

Absent.

Hardin.	Neal.
Moore.	

Absent—Excused.

Parr.	Price.
Pollard.	Ward.

Senate Bill No. 15.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 15, A bill to be entitled "An Act making an appropriation for the survey of the Davis Mountains State Park Highway in the Davis Mountains of Texas, to be a part of the system of State Highways and providing that State convicts may be utilized in the construction

of said Highway, and declaring an emergency.

The bill was read second time and ordered engrossed by the following vote:

Yeas—14

Berkeley.	Reid.
Greer.	Stuart.
Hall.	Triplett.
Love.	Ward.
Moore.	Witt.
Neal.	Wood.
Real.	Woodward.

Nays—7.

Bowers.	McFarlane.
Floyd.	Miller.
Hardin.	Westbrook.
Holbrook.	

Absent.

Bailey.	Russek.
Bledsoe.	Smith.
Fairchild.	Wirtz.
Lewis.	

Absent—Excused.

Parr.	Price.
Pollard.	

Messages from the House.

The Chair recognized the door-keeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 27, A bill to be entitled "An Act creating Road District No. 1, in Wheeler county, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act creating Road District No. 2, in Wheeler county, Texas; validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act creating Road District No. 3, in Wheeler county, Texas; validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Dimmit County, Texas, upon the question authorizing the issuance of \$560,000.00 Special Road Bonds of said County, and levying a tax in payment thereof; ratifying and validating the petition for such election, the order calling such election and notices thereof, and all orders passed by the commissioners' court of said county in respect thereto, etc., and declaring an emergency."

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 30, A bill to be entitled "An Act creating Road District No. 4, in Wheeler county, Texas; validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

H. B. No. 41, A bill to be entitled "An Act for the relief of the Independent School District of Rock Springs and the city of Rock Springs, in Edwards county, Texas, in order to aid said municipalities in the reconstruction of public property destroyed by the recent cyclone in that community on the 12th day of April, 1927; granting and appropriating to said school district the sum of fifty thousand (\$50,000) dollars for school building purposes, the sum of fifteen thousand (\$15,000) dollars for equipping school buildings, the sum of ten thousand (\$10,000) dollars for maintenance of its schools, for the school year ending in 1928, and the sum of five thousand (\$5,000) dollars for maintenance of its schools for the school year ending in 1929; granting and appropriating to said city of Rock Springs the sum of twenty thousand (\$20,000) dollars for rebuilding and rehabilitating its waterworks system; prescribing manner in which the funds hereby granted and appropriated shall be paid, and declaring an emergency."

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

H. B. No. 27, referred to Committee on Highways and Motor Traffic.

H. B. No. 28, referred to Committee on Highways and Motor Traffic.

H. B. No. 29, referred to Committee on Highways and Motor Traffic.

H. B. No. 30, referred to Committee on Highways and Motor Traffic.

H. B. No. 41, referred to Committee on Finance.

Senate Bill No. 35.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 35. A bill to be entitled "An Act providing for the separation of all public free school affairs in cities or towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume outstanding bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

Senator Holbrook sent up the following amendment:

Amendment No. 1.

Amend Senate Bill No. 35 by adding after the word "town" in Section 1 of said bill the following:

"having a population of 44,255 according to the United States census of 1920."

The amendment was read and adopted.

Senator Holbrook sent up the following amendment:

Amendment No. 2.

Amend Senate Bill No. 35 by adding after the word "each" in line 4, column 2, page 112 of Senate Journal of May 24th the word "such".

The amendment was read and adopted.

Senator Holbrook sent up the following amendment:

Amendment No. 3.

Amend Senate Bill No. 35 by adding after the word "any" in line 14, Section 3 of said bill the word "such".

The amendment was read and adopted.

Senator Holbrook sent up the following amendment:

Amendment No. 4.

Amend Senate Bill No. 35 by adding after the word "any" in line 2, Section 4, the word "such".

The amendment was read and adopted.

Senator Holbrook sent up the following amendment:

Amendment No. 5.

Amend Senate Bill No. 35 by adding after the word "any" in line 12, Section 4 of said bill the word "such".

The amendment was read and adopted.

Senator Holbrook sent up the following amendment:

Amendment No. 6.

Amend Senate Bill No. 35 by striking out the words "many of the" and inserting in lieu thereof the word "such" in line 3, Section 6, of said bill printed in Senate Journal of May 24th.

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Real.
Floyd.	Reid.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.

Absent.

Bailey.	Russek.
Fairchild.	Smith.
Lewis.	Wirtz.

Absent—Excused.

Parr. Price.
Pollard.

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Berkeley.	Neal.
Bledsoe.	Real.
Bowers.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Bailey.	Russek.
Fairchild.	Wirtz.
Lewis	

Absent—Excused.

Parr. Price.
Pollard.

Recess.

The Senate at 11:10 recessed until this afternoon at 2:00 p. m. on the motion of Senator Wood.

After Recess.

The Senate was called to order by Lieutenant Governor Miller at 2:00 p. m. pursuant to recess.

Messages from the House

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 39, A bill to be entitled "An Act to amend Chapter 97 as passed by the Thirty-ninth Legislature, creating a more efficient road system for Wood county; making the county commissioners ex-officio road supervisors for their respective precincts in said county; defining their powers and duties as such supervisors; providing for their compensation as such; providing for the working of hands on public roads who fail to pay the road tax provided for herein; providing that no

hands shall be apportioned to work on any highway maintained by the State of Texas; providing that hands subject to road duty may be apportioned to roads in the precinct of their residence, other than the public road nearest to them; providing for the working of county convicts upon the public road; providing for notice to be served upon hands subject to road duty, and penalty for violating such notice; providing for the collection and disbursement of certain moneys and the payment of fees for service rendered in connection herewith by certain county officials; prohibiting the use of any of the property belonging to Wood county to be used in its road work for any private purpose, and fixing penalties for violation of this act and penalties for the enforcement of the provisions of this act; providing that if any provisions of this act shall still remain in force and effect; declaring the provisions of this act cumulative of all general laws of the State of Texas upon this subject, and for the repeal of all special road laws heretofore enacted for Wood county, and parts thereof, when in conflict with any of the provisions of this act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 12, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surfaced roads in said county, and so as to make more ample provision for the removing and preventing of impediments on the public highways of Dallas County such as junk, or debris, tin cans, glass or other similar impediments; and declaring an emergency."

With amendment:

S. B. No. 14, A bill to be entitled "An Act amending Section 3a of Chapter 274 of the General Laws of the Regular Session of the Fortieth

Legislature, so as to insert therein a saving clause in reference to offenses committed before this act takes effect so that Section 3a as amended shall read as follows:

"Section 3-a. In all cases tried under the provisions of this Act, it shall be the duty of the court to define "malice aforethought" and shall apply that term by appropriate charges to the facts in the case and shall instruct the jury that unless from all the facts and circumstances in evidence the Jury believes the defendant was prompted and acted with his malice aforethought, they cannot assess the punishment at a period longer than five years; provided, however, that no offense committed prior to the taking effect of this Act, shall be affected hereby, whether an indictment has been returned or not, but in every such case the offender may be proceeded against and punished under the law as it existed prior to the taking effect of this act, the same as if this act had not been passed, and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act to amend Chapter 77 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, by adding thereto Section 31a authorizing the commissioners' court of Bexar County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bill Referred.

After its caption was read, the Chair referred H. B. No. 39 to the Committee on Highways and Motor Vehicles.

Senate Bill Signed.

After its caption was read, the Chair signed in the presence of the Senate, S. B. No. 31.

Senate Bill No. 42.

Senator Witt received unanimous consent to take up the following bill:

S. B. No. 42, A bill to be entitled "An Act relating to free textbooks for the public free schools of this State; amending Sections 30, 31, 33, 34 and 39, and repealing Sections 40 and 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free textbooks used in the public free schools of this State; etc., and declaring an emergency."

The bill was read second time.

Adjournment.

The Senate at 2:30 p. m. on the motion of Senator McFarlane adjourned until Monday morning at 10:00 o'clock a. m.

APPENDIX.

Petitions and Memorials.

Western Union Telegram.

Dallas, Texas.

May 26, 1927.

Thomas B. Love,
Senate Chamber,
Austin, Texas.

We urge you to hold firm on appropriation for School for Delinquent Negro Girls.

Mrs. W. C. Proctor, Mrs. A. C. Zehner, Mrs. Alex Spence, Edward Belsterling, W. M. Taylor, Alex W. Spence.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May, 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 15 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 35 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 54, A bill to be entitled "An Act to amend Article 5518 of the Revised Statutes of Texas of 1925, so as to limit the time within which a person under twenty-one years (21) years of age, or in the military or naval service of the United States in time of war, or of unsound mind, or imprisoned, may institute suit for the recovery of real estate, and to add another Article to be known as Article 5518-A, so as to provide that no person shall from and after the first day of August, 1928, maintain a suit for the recovery of lands, tenements and hereditaments against one who has had or held title thereto under a recorded muniment or muniments of title peaceably, and under an adverse claim of right for a period of twenty-five consecutive years, and providing this Act shall not affect suits pending on the date when it shall become effective as a law, and defining the terms "peaceable", "adverse," "muniments of title" and "owner" and to provide further that the rights of the State of Texas shall not be barred, and that no person claiming under a forged deed or deeds executed under a forged power of attorney shall claim any benefits under this Act, and establishing the burden of proof with reference thereto, and to provide for presumptions as to title in the person who may claim under such muniment of title recorded for

twenty-five years and to define who are trespassers, and creating presumptions relating thereto, and changing the burden of proof with reference thereto, and to provide that the unconstitutionality of one portion of this Act shall not affect the remainder thereof, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 55, A bill to be entitled "An Act providing that negotiable instruments shall not be rendered non-negotiable by reason of the execution or contents of any other paper creating a lien or other right securing such negotiable instrument, or by reason of any reference in the negotiable instrument to such other paper, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 56, A bill to be entitled "An Act to repeal Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas, and substituting in its place a new Article providing that every political party in this State shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, as a similar bill has been introduced.

BAILEY, Chairman.
Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 40, A bill to be entitled "An Act to amend Articles 61, 62, 63 and 64 of the Penal Code, 1925, to provide for an increase of punishment on second and subsequent convictions of misdemeanors and felonies, to provide for the admission of testimony of such prior convictions and the charge of the court relative thereto, and provide other matters necessary and incidental to the main purpose."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the journal.

WOODWARD, Chairman.

By Woodward, Pollard. S. B. No. 40.

A BILL

To Be Entitled

An Act to amend Articles 61, 62, 63, and 64 of the Penal Code, 1925, to provide for an increase of punishment on second and subsequent convictions of misdemeanors and felonies, to provide for the admission of testimony of such prior convictions and the charge of the court relative thereto, and provide other matters necessary and incidental to the main purpose, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 61, 62, 63, and 64 of the Penal Code, 1925, be amended to hereafter read as follows:

Article 61. If it be shown on the trial of a misdemeanor that prior to the commission of the alleged offense for which the defendant is on trial he had been convicted once of a misdemeanor, he shall upon conviction in the case on trial receive a punishment of not less than double the minimum nor more than double the maximum punishment prescribed

by the statutes for the offense for which he is on trial. If upon the trial of a misdemeanor, it be shown that the defendant was once convicted of a misdemeanor and that after said conviction, he was again convicted for another misdemeanor committed subsequent to said first conviction, he shall upon conviction of a misdemeanor committed subsequent to the second conviction, receive a punishment of not less than three times the minimum punishment and not more than three times the maximum punishment fixed by the statute for the offense for which he is on trial.

Article 62. If it be shown on the trial of a felony case, less than capital, that prior to the alleged commission of the felony for which the defendant is on trial, he had been convicted once of a felony, he shall upon conviction in the case on trial receive a punishment of not less than double the minimum and not more than double the maximum fixed by the statute for the offense for which he is then on trial.

Article 63. If upon the trial of a felony case for which capital punishment cannot be imposed, it is shown that the defendant was once convicted of a felony, and that subsequent to such conviction, he was again convicted of a felony committed after the offense for which he was first convicted, then upon conviction in the case on trial, the defendant shall be punished by assessing not less than three times the minimum nor more than five times the maximum punishment fixed by statute for the offense for which he is on trial.

Article 64. If it be shown upon the trial of a felony case for which the death penalty may be imposed as an alternate punishment, that the defendant on trial was once convicted of a felony for which the death penalty may be imposed as an alternate punishment, and that such conviction was prior to the alleged commission of the offense for which he is on trial, upon conviction for such subsequent offense, the punishment assessed shall not be less than imprisonment for life in the State penitentiary.

In the prosecution of all subsequent offenses mentioned in Articles 61, 62, 63, and 64, Penal Code, it shall not be necessary to allege in

the indictment or information the fact of the prior conviction.

Testimony of prior conviction shall be admissible in the trial of criminal cases, if it be shown that such prior conviction occurred before the commission of the offense for which the defendant is then on trial, and the court shall charge the jury that the testimony of the prior conviction is admitted in evidence to be considered alone upon the punishment to be assessed, and that before the jury can give the increased punishment provided for in Articles 61, 62, 63, and 64 of the Penal Code, or either of such articles, they must believe from the evidence beyond a reasonable doubt that the defendant was convicted on such prior offenses before the commission of the offense for which he is then upon trial.

Sec. 2. The fact that there is now no adequate means to increase punishment upon subsequent convictions, and the necessity for such law to further suppress crime, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. B. No. 41, A bill to be entitled "An Act granting authority for the sale of personal and real property belonging to the Texas Prison System; enacting necessary provisions in reference to the terms and conditions of such sales; granting authority for the purchase of lands and appurtenances thereunto belonging necessary for the State Prison System and enacting necessary provisions relative and incident to the same; providing for said purchase to be made by the Texas Prison Board making executory contracts for the purchase of same, and that no such contract shall be executed and no such purchase shall be consummated unless and until the Legislature makes appropriations for the

initial payment or part payment or payment in full for said lands and appurtenances; enacting provisions incidental and necessary to carry out the main purpose of this Act relative to purchases of real property for said Prison System; and relative to sales of property of said System; making disposition of the proceeds of any sales made under this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with Committee Amendments, and that it be printed in the Journal.

FAIRCHILD, Chairman.

Committee Amendment.

Amend S. B. No. 41 by adding at the end of Section 2 thereof the following:

"Provided further that no sale or purchase of real property under this Act shall be made without the advice and consent of the Legislature."

S. B. No. 41. By Wood, Bowers, Witt, Parr, Love, Woodward, Holbrook, Hardin, Pollard, Moore, Westbrook, Smith, Reid.

A BILL

To Be Entitled

An Act granting authority for the sale of personal and real property belonging to the Texas Prison System; enacting necessary provisions in reference to the terms and conditions of such sales; granting authority for the purchase of lands and appurtenances thereunto belonging necessary for the State Prison system and enacting necessary provisions relative and incident to the same; providing for said purchases to be made by the Texas Prison Board making executory contracts for the purchase of same, and that no such contract shall be executed and no such purchase shall be consummated unless and until the Legislature makes appropriations for the initial payment or part payment or payment in full for said lands and appurtenances; enacting provisions incidental and necessary to carry out the the main purpose of this Act relative to purchases of real property for said Prison System, and relative to sales of property of said System; making disposition of the proceeds of any sales made

under this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board is hereby authorized to sell any personal or real property belonging to the Texas Prison System which in the judgment of said Board is not necessary for said System. The terms and conditions of such sales may be decided upon and determined by said Board. Any of such lands may be sold for cash or upon reasonable terms of deferred payments.

Sec. 2. The Texas Prison Board is hereby authorized to enter into executory contracts for the purchase of such lands and appurtenances thereunto belonging as are necessary in the operation of said Prison System, said Board agreeing that the State will purchase same upon such terms of payment as may be determined by said Board; provided that no such contract shall be executed and no purchase shall be consummated of any such lands and appurtenances unless and until the Legislature shall have thereafter made an appropriation to pay for same or the initial payment thereof, or for a part payment thereof. Provided further, that no contract shall be made for the purchase of any such lands and appurtenances calling for the expenditure of State moneys beyond appropriations which can be made by the Legislature under the Constitution of this State, and no debt shall be created in violation of the State Constitution.

Sec. 3. Said Board may call upon the Attorney General to prepare and approve as to form, any instrument of writing necessary in the sale of any such personal or real property and appurtenances thereunto belonging of the Prison System, or in making any of said executory contracts for the purchase of real property and appurtenances thereunto belonging. After the Legislature makes an appropriation for the initial payment or for a part payment or for payment in full for any such lands and appurtenances mentioned in Section 2 of this Act, the title shall be approved by the Attorney General before any disbursements are made, under any appropriation made by the Legislature.

Sec. 4. The proceeds of any sales

of property made by the Texas Prison Board under this Act shall be placed in the General Revenue Fund in the State Treasury as soon as collected.

Sec. 5. The fact that present laws are inadequate to permit of sales and purchases of property so that the Prison System may be improved and operated to the best advantage of the people of this State, and this Act undertakes to improve this situation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 45, A bill to be entitled "An Act repealing Article 650 of the Code of Criminal Procedure of the State of Texas of 1925, which permits defendants jointly prosecuted to sever upon the request of either and amending Article 651 of the Code of Criminal Procedure of the State of Texas of 1925, so as to provide that defendants jointly or separately indicted may upon request ask for a severance and giving to the trial judge the right to order a severance, if in his discretion the ends of justice require a severance, and repealing Article 711 of the Code of Criminal Procedure of the State of Texas of 1925."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the journal, with the following committee amendment.

WOODWARD, Chairman.

Committee Amendment.

"Amend Section 2 by adding thereto the following, to-wit: but no case shall be continued for the want of testimony of a co-defendant, nor shall said affidavit, without other sufficient cause, operate as a continuance to either party."

By Woodward. S. B. No. 45.

A BILL

To Be Entitled

An Act repealing Article 650 of the Code of Criminal Procedure of the State of Texas of 1925, which permits defendants jointly prosecuted to sever upon the request of either and amending Article 651 of the Code of Criminal Procedure of the State of Texas of 1925, so as to provide that defendants jointly or separately indicted may upon request ask for a severance and giving to the trial judge the right to order a severance, if in his discretion the ends of justice require a severance, and repealing Article 711 of the Code of Criminal Procedure of the State of Texas of 1925, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1: Article 650 of the Code of Criminal Procedure of the State of Texas of 1925, be and the same is hereby expressly repealed.

Sec. 2: Article 651.—That Article 651 of the Code of Criminal Procedure of the State of Texas of 1925 be and same is hereby amended so as to hereafter read as follows:

"Where two or more defendants are prosecuted for an offense growing out of the same transaction, whether indicted jointly or separately, either defendant may file his affidavit stating that the evidence of his co-defendant or defendants is material to the defense of the affiant and that he believes there is not sufficient evidence against said co-defendant or defendants to secure his or their conviction and asks that his co-defendant or defendants be required to be first tried and the trial judge is hereby granted the discretion to order a severance, if in his discretion he believes the ends of justice require a severance. Provided, however, that if a severance is granted all persons so charged either as principals, accomplices or accessories, may be introduced as witnesses for one another."

Sec. 3: That Article 711 of the Code of Criminal Procedure of the State of Texas of 1925, be and same is hereby expressly repealed.

Sec. 4: That all laws and parts of laws in conflict herewith be and same are hereby expressly repealed.

Sec. 5: The fact that the present

Statutes permit persons jointly or separately indicted to sever, frequently results in a change of venue, thus incurring an unnecessary expense to the State, and the fact that persons jointly or separately indicted are denied the right to testify in behalf of each other, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act will take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 46, A bill to be entitled "An Act to provide for an adequate system of Vital Statistics, and for the registration of all births and deaths in this State, and for the compiling and preservation of records for such purposes; providing for issuance of birth and death certificates and certificates for disposing of all dead bodies in this State; providing necessary officers and employees prescribing their duties and fixing their salaries and fees, and providing penalties for violating certain provisions of this Act, and repealing rules 34 to 57, inclusive, of the Sanitary Code, being Article 4477 of the Revised Statutes of 1925, and all other laws in conflict with this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but be printed in the Journal.

BERKELEY, Chairman.

By Berkeley.

S. B. No. 46.

A BILL

To Be Entitled

An Act to provide for an adequate system of Vital Statistics, and for the registration of all births and deaths in this State, and for the compiling and preservation of records for such purposes; providing for issuance of birth and death certificates and certificates for disposing of all dead bodies in this State; providing necessary officers and employees, prescribing

ing their duties and fixing their salaries and fees, and providing penalties for violating certain provisions of this Act, and repealing rules 34 to 57, inclusive, of the Sanitary Code, being Article 4477 of the Revised Statutes of 1925, and all other laws in conflict with this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the State Department of Health shall have charge of the registration of births and deaths; shall prepare the necessary instructions, forms and blanks for obtaining and preserving such records and shall procure the faithful registration of the same in each primary registration district as constituted in Section 3 of this Act, and in the central bureau of vital statistics at the capital of the State. The said department shall be charged with the uniform and thorough enforcement of the law throughout the state, and shall from time to time recommend any additional legislation that may be necessary for this purpose.

Sec. 2. That the State Health Officer shall have general supervision over the central bureau of vital statistics, which is hereby authorized to be established by said department, and which shall be under the immediate direction of the state registrar of vital statistics, whom the State Health Officer shall appoint within thirty days after the taking effect of this law, and who shall be a medical practitioner of not less than five years' practice in his profession, and a competent vital statistician. The state registrar of vital statistics shall hold office for two years and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other causes. Any vacancy occurring in such office shall be filled for the unexpired term by the State Health Officer. At least ten days before the expiration of the term of office of the state registrar of vital statistics, his successor shall be appointed by the State Health Officer. The state registrar of vital statistics shall receive an annual salary at the rate of four thousand dollars (\$4,000.00) from the date of his entering upon the discharge of the duties of his

office. The State Department of Health shall provide for such clerical and other assistants as may be necessary for the purposes of this Act, who shall serve during the pleasure of said department, and shall fix the compensation of persons thus employed within the amount appropriated therefor by the Legislature. The Board of Control shall provide suitable offices for the bureau of vital statistics in the State capitol or in other suitable public building at Austin, which shall be properly equipped with fire-proof vault and filing cases for the permanent and safe preservation of all official records made and returned under this Act.

Sec. 3. That for the purposes of this Act the State shall be divided into registration districts as follows: Each city, each incorporated town, and each justice precinct shall constitute a primary registration district, provided, that the State Department of Health may combine two or more primary registration districts when necessary to facilitate registration.

Sec. 4. That within ninety days after the taking effect of this Act, or as soon thereafter as possible, the State Health Officer shall appoint a local registrar of vital statistics for each registration district in the State. The term of office of each local registrar so appointed shall be two years, and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other causes; provided, that in cities where health officers or other officials are, in the judgment of the State Health Officer, conducting effective registration of births and deaths under local ordinances or State law at the time of the taking effect of this Act, such officials may be appointed as registrars in and for such cities, and shall be subject to the rules and regulations of the State registrar, and to all of the provisions of this Act. Any vacancy occurring in the office of local registrar of vital statistics shall be filled for the unexpired term by the State Health Officer. At least ten days before the expiration of the term of office of any such local registrar, his successor shall be appointed by the State Health Officer.

Any local registrar who, in the judgment of the State Health Officer fails or neglects to discharge efficiently the duties of his office as set forth in this Act, or to make prompt and complete returns of births and deaths as required thereby, shall be forthwith removed by the State Health Officer, and such other penalties may be imposed as are provided under Section 22 of this Act.

Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any rural district, the local registrar, when directed by the State registrar to do so, shall appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month; provided, that each subregistrar shall be subject to the supervision and control of the State registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this Act or the rules and regulations of the State registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

Sec. 5. That the body of any person whose death occurs in this State, or which shall be found dead therein, shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than 72 hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the

body was found. And no such burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided; provided, that when a dead body is transported from outside the State into a registration district in Texas for burial, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit; he shall note upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits under this Act other than the compensation provided in Section 20.

Sec. 6. That a stillborn child shall be registered as a birth and also as a death, and separate certificates of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain in place of the name of the child, the word "stillbirth"; provided, that a certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn", with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided in Section 8 of this Act.

Sec. 7. That the certificate of death shall contain the following items, which are hereby declared necessary for the legal, social, and sanitary purposes subserved by registration records:

(1) Place of death, including State, county, precinct town or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "Unnamed".

(3) Sex.

(4) Color or race—as white, black, mulatto (or other negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition — as single, married, widowed or divorced.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months and days. If less than one day, the hours or minutes.

(8) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment, with the statement of (a) trade, profession or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(9) Birthplace; at least state or foreign country, if known.

(10) Name of father.

(11) Birthplace of father; at least state or foreign country, if known.

(12) Maiden name of mother.

(13) Birthplace of mother; at least state or foreign country, if known.

(14) Signature and address of informant.

(15) Official signature of registrar, with the date when certificate was filed, and registered number.

(16) Date of death, year, month, and day.

(17) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and duration of each, and whether attributed to dangerous or insanitary conditions of employment; signature and address of physician or official making the medical certificate.

(18) Length of residence (for

inmates of hospitals and other institutions; transients or recent residents) at place of death and in the State, together with the place where disease was contracted, if not at place of death, and former or usual residence.

(19) Place of burial or removal; date of burial.

(20) Signature and address of undertaker or person acting as such.

The personal and statistical particulars (Items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause), and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or persons making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths in hospitals, institutions, or of non-residents, the physician shall supply the information required under this head (Item 18), if he is able to do so, and may state where, in his opinion, the disease was contracted.

Sec. 8. That in case of any death occurring without medical attendance, it shall be the duty of the

undertaker or person acting as such to notify the local registrar of such death, and when so notified the registrar shall, prior to the issuance of the permit, inform the local health officer and refer the case to him for immediate investigation and certification; provided, that when the local health officer is not a physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts; provided, further, that if the registrar or the local health officer, as the case may be, has reason to believe that the death may have been due to unlawful act or neglect, or otherwise is one properly referable to the coroner, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, if from external causes, (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State registrar in order properly to classify the death.

Sec. 9. That the undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body; provided that any person who furnishes a casket, coffin or box in which to bury the dead and who renders service like or similar to that usually rendered by an undertaker, shall for the purposes of this Act be deemed an undertaker. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer, justice of peace, or coroner, as directed by the local registrar, for the medical certificate of the cause of death and

other particulars necessary to complete the record, as specified in Section 7 and 8. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker or person acting as such shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of Texas, it shall be delivered to the person in charge of the place of burial.

Every person, firm, or corporation selling a casket, coffin or box for burial, shall keep a record showing the name of the purchaser, purchaser's postoffice address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the State registrar at all times. On the first day of each month the person, firm, or corporation, selling caskets, coffins or burial boxes, shall report to the State registrar each sale for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm or corporation selling caskets, coffins or burial boxes to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.

Every person, firm, or corporation selling a casket, coffin or burial box, at retail, and not having charge of the disposition of the body, shall inclose within the casket, coffin or burial box a notice furnished by the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State Department of Health concerning the burial or other disposition of a dead body.

Sec. 10. That if the interment, or other disposition of the body is to be made within the State, the wording of the burial or removal permit

may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permissions granted to inter, remove, or dispose otherwise of the body, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State registrar.

Sec. 11. That no person in charge of any premises on which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial removal or transit permit, as herein provided. And such person shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment, or within the time fixed by the local health authorities. He shall keep a record in a permanent bound book of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker and such other information as the State registrar may direct; which record shall at all times be open to official inspection; and he shall before the tenth day of the following month make a report to the State registrar of all deceased persons deposited in the premises during the preceding month; provided, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words, "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located.

Sec. 12. That the birth of each and every child born in this State shall be registered as hereinafter provided.

Sec. 13. That within five days after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth,

which certificate shall be upon the form adopted by the State Department of Health with a view to procuring a full and accurate report with respect to each item of information enumerated in Section 14 of this Act.

In each case where a physician, midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife, or person acting as midwife, to file in accordance herewith the certificate herein contemplated.

In each case where there was no physician, midwife, or person acting as midwife, in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within five days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth is unable, by diligent inquiry, to obtain any item or items of information contemplated in Section 14 of this Act, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said Section 14, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

Sec. 14. That the certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social, and sanitary purposes subserved by registration records:

(1) Place of birth, including

State, county, precinct, town, or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "Died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplitt, or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Whether legitimate or illegitimate.

(7) Date of birth, including the year, month, and day.

(8) Full name of father.

(9) Residence of father.

(10) Color or race of father.

(11) Age of father at last birthday, in years.

(12) Birthplace of father; at least State or foreign country, if known.

(13) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(14) Maiden name of mother.

(15) Residence of mother.

(16) Color or race of mother.

(17) Age of mother at last birthday, in years.

(18) Birthplace of mother; at least State or foreign country, if known.

(19) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(20) Number of children born to this mother, including present birth.

(21) Number of children of this mother living.

(22) The certification of attending physician or midwife as to attendance at birth, including statement of year, month, day (as given in Item 7), and hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with date of signature and address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of such birth, as required by Section 13 of this Act.

(23) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

(24) Whether prophylactic precautions were taken at time of birth to prevent ophthalmia neonatorum.

Sec. 15. That when any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

Sec. 16. That every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this Act, together with such rules and regulations as may be prepared by the State registrar relative to its enforcement. Within thirty days after the close of each calendar year each local registrar shall make a return to the State registrar of all physicians, midwives, and undertakers or persons who have acted as such who have been registered in his district during the whole or any part of the preceding calendar year; provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives, or

undertakers or persons acting as such for registering their names under this section or making returns thereof to the State registrar.

Sec. 17. That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this Act, which are required in the forms of the certificates provided for by this Act, as directed by the State registrar; and thereafter such record shall be, by them, made for all future inmates at the time of their admittance. And in case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

Sec. 18. That the State Department of Health shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this Act, and each city and incorporated town shall print and supply its local registrar, and each county shall print and supply all local registrars serving in its areas outside of cities and incorporated towns, with permanent record books, in form approved by the State registrar, for the recording of all births and deaths occurring within their respective jurisdictions. The state registrar shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms shall be used than those approved by the State Department of Health. He shall carefully examine the certificates received monthly

from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the State Department of Health or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State registrar, in person, by mail, or through the local registrar; provided, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this Act, shall be altered or changed in any respect otherwise than by the amendments properly dated, signed, and witnessed. The State registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the name of decedents, and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State Department of Health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this state, such company, society, association or individual, may file such record or a duly authenticated transcript thereof with the State registrar, and it shall be the duty of the state registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable con-

ditions as the State Department of Health may prescribe. If any person desires a transcript of any record filed in accordance herewith, the state registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of (ten cents per folio) (Fifty cents per hour or fraction of an hour necessarily consumed in making such transcript) and to a fee of twenty-five cents for the certificate, which fees shall be paid by the applicant; provided, that before the issuance of any such transcript the registrar shall be satisfied that the applicant is properly entitled thereto, and that it is to be used only for legitimate purposes.

Sec. 19. That each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this act and the instructions of the state registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or death, shall be written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case of death occurred from some disease which is held by the State Department of Health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State Department of Health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the

certificates of birth and death, in two separate series, beginning with number 1 for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book supplied in accordance with provisions of Section 18 of this Act, to be preserved permanently in his office as the local record, in such manner as directed by the State registrar, or in the event that local ordinances require that all reports of births and deaths be made in duplicate, he may permanently bind the duplicate reports and index them in the manner prescribed in Section 18 for the state registrar. And he shall, on the tenth day of each month, transmit to the state registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the state registrar, on a card provided for such purpose.

Sec. 20. That each local registrar shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the state registrar, as required by this Act; that in case no births or no deaths were registered during any month, the local registrar shall be paid the sum of twenty-five cents for each report to that effect, but only if such report be made promptly as required by this Act; provided, that if the local registrar receives any salary from state, city or county for his services, then the fees herein provided for shall not be allowed. All amounts payable to a local registrar in a city or incorporated town, under the provisions of this section, shall be approved by the city council, or city commission, as the case may be, and also shall bear the approval of the state registrar, and the same shall be paid out of the general fund of the city; and all amounts payable to a local registrar serving in a district outside of cities and incorporated towns shall be approved by the commissioners' court of the county or the county auditor, as the case may be, and also shall bear the approval of the state registrar, and the same shall

be paid by the county treasurer out of the general fund of the county. A subregistrar shall be paid from the monies paid to the local registrar, under whom he serves, and it shall be the duty of the local registrar to make these payments on the following basis: For each certificate of birth and each certificate of death properly and completely made out, received by the subregistrar and promptly filed by him with the local registrar under whom he serves, the subregistrar shall be entitled to the sum of ten cents, to be paid by the local registrar out of monies he receives under the provisions of this Act; provided, that if the local registrar, by reason of other official salaries, receive none of the registration fees provided by this Act, then the subregistrar shall be entitled to the sum of ten cents for each certificate of birth and death properly filed for him with the local registrar under whom he serves, the amount earned to be certified to by the local registrar concerned, approved by the state registrar, approved by the commissioners' court or county auditor, as the case may be, and then to be paid to the subregistrar out of the general fund of the county. Nothing in this Section shall be construed as relieving the local registrar of duties relating to the proper recording and preservation of all birth and death records filed with him, including those received from subregistrars. And the state registrar shall annually certify to the city councils or city commissions, as the case may be and to the commissioners' court or county auditor, as the case may be, the number of births and deaths properly registered, with the names of the local registrars and subregistrars and the amounts due each at the rates fixed herein.

Sec. 21. That the State registrar shall, upon request, supply to any properly qualified applicant a certified copy of the record of any birth or death registered under provisions of this Act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no

certified copy is made, the State registrar shall be entitled to a fee of fifty cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the State Treasurer at the close of each month, and all such fees shall be kept by the State Treasurer in a special and separate fund, to be known as the "Vital Statistics Fund," and the amounts so deposited in this fund may be used for defraying expenses incurred in the enforcement and operation of this Act; provided, that the State registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school or for the purpose of securing employment. And provided further, that the United States Census Bureau may obtain, without expenses to the State, transcripts or certified copies of births and deaths without payment of the fees herein prescribed.

Sec. 22. That any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this Act; or (c) shall wilfully alter, otherwise than is provided by Section 18 of this Act, or shall falsify any certificate of birth or death, or any record established by this Act; or (d) being required by this Act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner

required by this Act; or (e) being a local registrar, deputy registrar, or subregistrar, shall fail, neglect, or refuse to perform his duty as required by this Act and by the instructions and direction of the State registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), and for each subsequent offense not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned.

Sec. 23. That each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this Act in his registration district, under the supervision and direction of the State registrar. And he shall make an immediate report to the State registrar of any violation of this law coming to his knowledge, by observation or upon complaint of any person, or otherwise.

The State registrar is hereby charged with the thorough and efficient execution of the provisions of this Act in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars, and subregistrars, to the end that all of its requirements shall be uniformly complied with. The State registrar, either personally or by an accderited representative, shall have authority to investigate cases of irregularity or violation of law, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this Act to the county attorney, with a statement of the facts and circumstances, and when any such case is reported to him by the State registrar, the county attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law. And upon request of the State registrar, the Attorney General shall assist in the enforcement of the provisions of this Act.

Sec. 24. Rules 34 to 57, inclusive, of the Sanitary Code, the latter

being Article 4477, Revised Statutes of 1925, and all other laws in conflict with this Act, are hereby expressly repealed.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to better protect and promote the health of the people of Texas; establishing the State Department of Health, to consist of a State Board of Health, appointed by the Governor, a State Health Officer, appointed by the State Board of Health, fixing the term of office of the members of the State Board of Health, and their qualifications, compensation, powers and duties; fixing the term of office of the State Health Officer, his compensation, powers and duties; providing for the appointment of an Acting State Health Officer, and his qualifications, powers and duties; authorizing the State Department of Health to accept donations and contributions to be expended in the interest of public health and the enforcement of public health laws, and the commissioners court of any county to appropriate and expend money from the general revenues of its county in behalf of public health and sanitation within its county; repealing Articles 4414 to 4418, both inclusive, and Article 4465, Revised Civil Statutes of 1925, and providing that the powers and duties vested by Chapter 3 of Title 71, Revised Civil Statutes of 1925, in the Director of Food and Drug Division of the State Deaprtment of Health shall be hereinafter vested in the State Health Officer and shall be exercised by him or a Division Director in his Department, subject to his control, and repealing Chapter 45 of the General Laws of the Thirty-third Legislature of 1913, First Called Session; and providing that all other laws or parts of laws now in force, relating to the State Department of Health, State Board of Health and State Health Officer, as well as all laws relating to public health, sanitation and the control and prevention of communicable, contagious and infectious diseases,

shall remain in full force and effect, except insofar as same may be in conflict with the provisions of this Act; and providing that, if any particular section or part of this Act shall be held unconstitutional or inoperative, such defect shall not affect any other section or part of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form, but be printed in the Journal.

BERKELEY, Chairman.

By Berkeley. S. B. No. 47.

A BILL
To Be Entitled

An Act to better protect and promote the health of the people of Texas; establishing the State Department of Health, to consist of a State Board of Health, appointed by the Governor, a State Health Officer, appointed by the State Board of Health; fixing the term of office of the members of the State Board of Health, and their qualifications, powers and duties; fixing the term of office of the State Health Officer, his compensation, powers and duties; providing for the appointment of an Acting State Health Officer, and his qualifications, powers and duties; authorizing the State Department of Health to accept donations and contributions to be expended in the interest of public health and the enforcement of public health laws, and the commissioners court of any county to appropriate and expend money from the general revenues of its county in behalf of public health and sanitation within its county; repealing Articles 4414 to 4418, both inclusive, and Article 4465, Revised Civil Statutes of 1925, and providing that the powers and duties vested by Chapter 3 of Title 71, Revised Civil Statutes of 1925, in the Director of Food and Drug Division of the State Department of Health shall be hereafter vested in the State Health Officer and shall be exercised by him or a Division Director in his Department, subject to his control, and repealing Chapter 45 of the General Laws of the Thirty-third Leg-

islature of 1913, First Called Session; and providing that all other laws or parts of laws now in force, relating to the State Department of Health, State Board of Health and State Health Officer, as well as all laws relating to public health, sanitation and the control and prevention of communicable, contagious and infectious diseases, shall remain in full force and effect, except insofar as same may be in conflict with the provisions of this Act; and providing that, if any particular section or part of this Act shall be held unconstitutional or inoperative, such defect shall not affect any other section or part of the Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. To better protect and promote the health of the people of Texas, there is hereby established the State Department of Health, which Department shall consist of a State Board of Health, a State Health Officer and his administrative staff, and which shall have the general powers and duties authorized and imposed by the provisions of this Act.

Sec. 2. Composition of State Board of Health, Appointment, Term of Office: The State Board of Health shall consist of six members, who shall be appointed by the Governor, and who shall have the following qualifications: all of the members shall be legally qualified, practicing physicians, who shall have had not less than five years' experience in the actual practice of medicine within the State of Texas, of good professional standing, and graduates of recognized medical colleges. Of the six members of the Board first appointed under the provisions of this Act, two shall serve for a period of two years, two for a period of four years, and two for a period of six years, or until their successors shall be appointed and shall have qualified, unless sooner removed for cause. Immediately after this Act becomes effective, the Governor shall appoint six members to constitute the new State Board of Health created by this Act, and, in the act of appointment, shall designate the respective terms of the members first appointed.

The terms of office of the members of the State Board of Health shall be six years, after the terms of the members first appointed shall have expired. The State Health Officer shall be a member ex-officio and shall act as Chairman of the State Board of Health, but shall not have the right to vote as a member of such Board except in cases of a tie vote; provided, that in no event shall he be entitled to a vote in the matter of selecting the State Health Officer.

Sec. 3. Organization and Meetings of the State Board of Health: A majority of the members of the State Board of Health, exclusive of the member ex-officio, shall constitute a quorum for the transaction of business. The Board shall elect one of its members a vice-chairman, who shall proceed in the absence of the chairman. The Board shall meet at Austin quarterly, on a date to be fixed by the Board, and shall hold such special meetings as may be called by the State Health Officer or any two members of the Board. Timely notice of such special meetings shall be given to each member.

Sec. 4. Compensation of Members of State Board of Health: The six members of the State Board of Health, excepting the member ex-officio, shall receive no fixed salary, but each member shall be allowed, for each and every day in attending the meetings of the Board, the sum of twenty dollars (\$20.00), including time spent in travel to and from such meetings, and said members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the State Health Officer, provided no member shall receive more than five hundred dollars (\$500.00) annually, including expenses. The members of the State Board of Health and the State Health Officer shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State, and, upon presentation of such oath of office, together with the certificate of their appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such.

Sec. 5. Powers and Duties of the

State Board of Health: The State Board of Health shall have the following powers and duties:

(1) To elect, by a majority vote of the whole membership of the Board, a State Health Officer, who shall be executive of the State Department of Health, subject to the further provisions of this Act; and to suspend or remove said officer for good and sufficient cause, sustained by a majority of the Board membership; provided, that said officer shall not be removed until he has been given a hearing before said Board, if he so elects. Immediately after the appointment of a new State Board of Health, as provided in this Act, said Board shall organize, and appoint a State Health Officer, who shall serve as such, unless sooner removed as above provided, until the last regular quarterly meeting of the Board in 1928; and at such meeting, and every two years thereafter, the State Board of Health shall appoint a State Health Officer, who shall serve, unless sooner removed as above provided, for a term of two years and until his successor shall be appointed and shall have qualified.

(2) To investigate the conduct of the work of the State Department of Health, and for this purpose to have access, at any time, to all books and records thereof, and to require written or oral information from any officer or employee thereof.

(3) To adopt rules, not inconsistent with law, for its own procedure, a copy of which rules shall be filed in the State Department of Health.

Sec. 6. State Health Officer, Qualifications, Appointment, Compensation: The State Health Officer shall be a legally qualified physician, who shall have not less than five years' experience in the actual practice of medicine within the State of Texas, of good professional standing, and a graduate of a recognized medical college. The State Health Officer shall be the executive head of the State Department of Health; he shall devote his whole time to the duties of this office, and shall not engage in the private practice of medicine during his term of office. He shall receive an annual salary of four thousand five hundred dollars (\$4,500.00), and shall be allowed his

actual traveling expense while in the performance of official duties away from the Capitol, to be evidenced by vouchers approved by the State Board of Health; provided, that he shall be permitted to charge against his traveling expense account any expense incurred in travel outside of this State on official business; said out-of-State traveling expenses not to exceed five hundred dollars (\$500.00) per annum.

Sec. 7. State Health Officer to Execute Bond: The State Health Officer shall execute a bond, in the sum of ten thousand dollars (\$10,000.00), payable to the Governor, with two or more good and sufficient sureties thereon, or with some surety company authorized to do business in this State, as surety, conditioned for the faithful performance of his official duties, the bond to be approved by the Governor and filed in the office of the Secretary of State.

Sec. 8. Duties of the State Health Officer: The State Health Officer shall be the executive of the State Department of Health, and he shall, subject to the provisions of this Act, exercise all the powers and discharge all the duties now vested by law in the Texas State Department of Health and the State Health Officer, as well as all powers now vested by law in any officer, assistant, director or bureau head of the State Department of Health, excepting only such powers as may be conferred by this Act upon the State Board of Health hereby created. The State Health Officer, with the approval of the State Board of Health, may organize and maintain within his department such divisions of service as are deemed necessary for the efficient conduct of the work of the department. From time to time, he shall appoint directors of such divisions, as well as other employees of the department, and shall designate the duties and supervise the work of all such directors and employees. He shall have the power, with the approval of the State Board of Health, to prescribe and promulgate such administrative rules and regulations, not inconsistent with any law of the State, as may be deemed necessary for the effective performance of the duties imposed by

this or any other law upon the State Department of Health and its several officers and divisions.

Sec. 9. Acting State Health Officer: The State Health Officer, with the approval of the State Board of Health, shall from time to time designate one of the directors of the department divisions, who is a legally qualified physician, as Acting State Health Officer, and the person so designated shall have the full authority and perform the duties of the State Health Officer in the event of his absence from the Capitol or inability to act.

Sec. 10. It shall be lawful for the State Department of Health to accept donations and contributions, to be expended in the interest of the public health and the enforcement of public health laws. The commissioners court of any county shall have the authority to appropriate and expend money from the general revenues of its county for and in behalf of public health and sanitation within its county.

Sec. 11. Articles 4414, 4415, 4416, 4417 and 4418, Revised Civil Statutes of 1925, are hereby repealed. Article 4465, Revised Civil Statutes of 1925, is hereby repealed, and the powers and duties vested by Chapter 3 of Title 71, R. S. 1925, in the Director of the Food and Drug Division of the State Department of Health are hereby vested in the State Health Officer, to be hereafter exercised by him or by a division director within his department and subject to his control under the terms of this Act. Chapter 45 of the General Laws, thirty-third Legislature, 1913, First Called Session, entitled "An Act requiring the State Health Department to disseminate information concerning the cause, nature and extent of communicable disease and requiring the exhibit throughout the State of a public health exhibit in a railway car, etc., is hereby repealed. All other laws or parts of laws now in force, relating to the State Health Department, the State Board of Health and the State Health Officer, and all other laws relating to public health, sanitation and the control and prevention of communicable, contagious and infectious diseases,

shall remain in full force and effect, except insofar as the same may be in conflict with the provisions of this Act.

Sec. 12. If any particular section or part of this Act shall be held unconstitutional or inoperative for any reason, it shall not affect any other section or part of the Act, and the remainder of the Act, save the part or section declared unconstitutional or inoperative shall continue in full force, and effect.

Sec. 13. The fact that a reorganization of the State Department of Health is needed, and the importance of this legislation, creates an emergency and a public necessity requiring that the constitutional rule, providing that bills shall be read on three several days in each House, shall be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 49, A bill to be entitled "An Act to amend Article 847 of Title 10 of the Code of Criminal Procedure of the State of Texas by providing that no judgment in any criminal case shall be Reversed by the Court of Criminal Appeals for any error not affecting the judgment or causing injury to the defendant."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Senator McFarlane. S. B. No. 49.

A BILL

To Be Entitled

An Act to amend Article 847 of Title 10 of the Code of Criminal Procedure of the State of Texas by providing that no judgment in any criminal case shall be Reversed by the Court of Criminal Appeals for any error not affecting the judgment or causing injury to the defendant.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 847 of the Code of Criminal Procedure of the State of Texas is hereby amended to read as follows:

"Article 847. The Court of Criminal Appeals may affirm the judgment of the court below, or may reverse and remand for a new trial, or may reverse and dismiss the case, or may reform and correct the judgment, as the law and nature of the case may require. But no judgment shall be reversed for any error which in the opinion of the Court of Criminal Appeals did not affect the judgment or cause injury to the defendant. The Court shall presume that the venue was proven in the court below; that the jury was properly impaneled and sworn; that the defendant was arraigned; that he pleaded to the indictment; and that the Court's charge was certified by the judge and filed by the clerk before it was read to the jury, unless such matters were made an issue in the court below and it affirmatively appears to the contrary by a bill of exceptions approved by the trial judge, or proven up by by-standers as provided by law, and duly incorporated in the record on appeal. In each case by it decided, the Court of Criminal Appeals shall deliver a written opinion, setting forth the reason for such decision."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. N. 54, A bill to be entitled "An Act to amend Article 5518 of the Revised Statutes of Texas of 1925, so as to limit the time within which a person under twenty-one years (21) years of age, or in the military or naval service of the United States in time of war, or of unsound mind, or imprisoned, may institute suit for the recovery of real estate, and to add another Article to be known as Article 5518-A, so as to provide that no person shall from and after the first day of August, 1928, maintain a suit for the recovery of lands, tenements and hereditaments against one who has had or held title there-to under a recorded muniment or muniments of title peaceably, and

under an adverse claim of right for a period of twenty-five consecutive years, and providing this Act shall not affect suits pending on the date when it shall become effective as a law, and defining the terms "peaceable," "adverse," "muniments of title" and "owner" and to provide further that the rights of the State of Texas shall not be barred, and that no person claiming under a forged deed or deeds executed under a forged power of attorney shall claim any benefits under this Act, and establishing the burden of proof with reference thereto, and to provide for presumptions as to title in the person who may claim under such muniment of title recorded for twenty-five years, and to define who are trespassers, and creating presumptions relating thereto, and changing the burden of proof with reference thereto, and to provide that the unconstitutionality of one portion of this Act shall not affect the remainder thereof, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

By Bailey, Russek. S. B. No. 54.
Holbrook.

A BILL To Be Entitled

An Act to amend Article 5518 of the Revised Statutes of Texas of 1925, so as to limit the time within which a person under twenty-one years (21) of age, or in the military or naval service of the United States in time of war, or of unsound mind, or imprisoned, may institute suit for the recovery of real estate, and to add another article to be known as Article 5518-A, so as to provide that no person shall from and after the first day of August, 1928, maintain a suit for the recovery of lands, tenements and hereditaments against one who has had or held title thereto under a recorded muniment or muniments of title peaceably, and under an adverse claim of right for a period of twenty-five consecutive years, and providing this Act shall not affect suits pending on the date when it shall become effective as

a law, and defining the terms "peaceable," "adverse," "muniments of title" and "owner," and to provide further that the rights of the State of Texas shall not be barred, and that no person claiming under a forged deed or deeds executed under a forged power of attorney shall claim any benefits under this Act, and establishing the burden of proof with reference thereto, and to provide for presumptions as to title in the person who may claim under such muniment of title recorded for twenty-five years, and to define who are trespassers, and creating presumptions relating thereto, and changing the burden of proof with reference thereto, and to provide that the unconstitutionality of one portion of this Act shall not affect the remainder thereof, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5518 of the Revised Civil Statutes of the State of Texas, 1925, be so amended as to read as follows:

Article 5518. Person under disability.—If a person entitled to commence suit for the recovery of lands, tenements or hereditaments or to remove cloud from title thereto, or to make any valid defense founded on the title thereto, be at the time such title shall first descend or the adverse claim commence;

1. A person, including a married woman under twenty-one (21) years of age; or

2. In time of war a person in the military or naval service of the United States, or

3. A person of unsound mind; or

4. A person imprisoned.—

then the time during which such disability or status shall continue shall not be deemed any portion of the time limited for the commencement of such suit, or the making of such defense; and such person shall have the same time after the removal of his disability that is allowed to others by the provisions of this title; provided, anything to the contrary herein notwithstanding, that on and after August 1st, 1928, none of such persons shall maintain an action for the recovery of any such lands, tenements or hereditaments and/or for

the removal of cloud from title thereto against any person who holds or claims the same under a peaceable adverse claim of right described and provided for in Article 5518-A as hereinafter created by this Act. This article shall not, however, affect suits pending on the date when this Act shall become effective as a law.

Sec. 2. That a new article numbered Article 5518-A shall be added after Article 5518 of the Revised Civil Statutes of Texas, 1925, and shall read as follows:

Article 5518-A. No person who has or may hereafter have a right of action for the recovery of lands, tenements or hereditaments or the removal of cloud from title thereto, shall after August 1st, 1928, maintain any action for the recovery of such lands, tenements or hereditaments and/or for the removal of cloud from the title thereto against a person who holds or claims such real estate under a peaceable and adverse claim of right descending from or dependent upon a muniment of title which has been duly recorded for twenty-five (25) consecutive years in the county where the land or some part thereof is situated.

A claim of right shall be "peaceable" within the intent of this Act when it has not been interrupted during the twenty-five (25) years relied upon either, (a) by adverse suit instituted by the owner to recover the real estate or remove cloud from title thereto, or, (b) by the assertion of a hostile title by means of the recording by the owner of a muniment of title, or, (c) by an actual possession taken by the owner. A claim of right shall be "adverse" within the intent of this Act when it is evidenced by a muniment of title which described the real estate with reasonable certainty, is duly recorded in the county where the real estate or some part thereof is situated and is inconsistent with and hostile to the title of the owner.

The peaceable and adverse claim of right referred to and provided for by this Act need not be continued in the same person for the full twenty-five (25) year relied upon but when asserted by different persons successively during the twenty-five (25) years relied upon, there must be a privity of estate between them. The word "year" as used in this Act is hereby defined to be three

hundred and sixty-five (365) successive days.

The term "muniment of title" as used in this Act shall include any instrument which purports to or is legally sufficient in form to operate as a transfer of title in or to lands, tenements or hereditaments and which describes the real estate with reasonable certainty.

The term "owner" as used in this Act shall include the holder of the record title to lands, tenements or hereditaments or his heirs, devisees or legal representatives and/or one who has perfected title to such real estate under the 3, 5 and/or 10 year statutes of limitation and/or the 25 year statute of limitation, as set out in Article 5519 of the Revised Civil Statutes of 1925 as amended by Chapter 250 of the General Laws of the Fortieth Legislature, page 369.

The right of the State of Texas shall not be barred by any provisions of this Act.

No person claiming lands, tenements or hereditaments under a forged deed or a deed executed under a forged power of attorney shall be allowed the benefits of this Act, provided, however, the prima facie presumption shall be that any such deed or power of attorney is genuine and the burden of proof shall be on the person who shall attack the genuineness of such deed or such power of attorney, to prove and establish such forgery.

Any person who holds or claims lands, tenements or hereditaments under a claim of right descending from or dependent upon a muniment of title duly recorded for twenty-five (25) consecutive years in the county where the real estate or some part thereof is situated, shall be presumed to have acquired the title to such real estate and the burden of proof shall be on the other party to prove his own right or title to such real estate and that the claim of right asserted under the provisions of this Act has not been peaceable, and/or adverse within the meaning and intent of this Act; and, furthermore, any person making any entry upon said real estate under a claim adverse to that under which another holds under a muniment of title duly recorded for twenty-five (25) years, shall be prima facie be deemed a trespasser.

Sec. 3. If any provisions hereof

be deemed and held unconstitutional the rest and remainder of said Act shall stand as though such provision thus declared to be unconstitutional, had not been incorporated herein.

Sec. 4. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 5. The fact that there is no limit of time prescribed by law after the expiration of which persons are precluded from instituting suit for the recovery of real estate or interests therein, and the fact that countless numbers of land titles in the State of Texas are in need of stabilization, which cannot be otherwise had than by excessive and expensive litigation, and the fact that the calendars of both Houses of the Legislature are crowded, create an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage.

Committee Room,
Austin, Texas, May 27, 1927,
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 57, A bill to be entitled "An Act amending Article 5347 of the Revised Civil Statutes of 1925 so as to make proper disposition of certain funds mentioned therein and particularly certain funds that under present laws go to the Game Fund; making proper disposition of certain moneys collected prior to September 1, 1925, now being held in the suspense fund in connection with the Game Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

By Senator Holbrook. S. B. No. 57.

A BILL

To Be Entitled

An Act amending Article 5347 of the Revised Civil Statutes of 1925 so as to make proper disposition of certain funds mentioned therein and particularly certain funds that under present laws go to the Game Fund; making proper disposition

of certain moneys collected prior to September 1, 1925, now being held in the suspense fund in connection with the Game Fund; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 5347 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

"Article 5347. The proceeds arising from activities under this law, and Chapter 5 thereof, which affect lands belonging to the public free school funds and the permanent fund of the several asylums, shall be credited to the permanent funds of said institutions. All proceeds paid or collected from activities under this law affecting the lands belonging to the Permanent Fund of the University of Texas (except such funds as are required by the Constitution to be credited to the Permanent University Fund) shall be credited by the State Treasurer to the available fund of such institution; provided that all such funds shall be held by the Board of Regents of the University in a special building fund and shall be expended only for the erection of buildings and equipping same, or for other permanent improvements. All proceeds, including those collected after this Act takes effect and those collected prior to September 1, 1925, now being held in suspense fund, arising from the activities affecting lands other than those belonging in the public free school fund, the University and the several asylums, shall be credited to the General Revenue Fund."

Sec. 2. The fact that moneys derived from certain classes of oil and gas leases has heretofore been placed in the Game Fund, whereas, such oil and gas leases have no connection with our Game Department and the funds should be placed to the credit of the General Revenue Fund in view of the pressing needs of the State and the shortage of funds to take care of necessary appropriations, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 26, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 58, A bill to be entitled "An Act to amend Article 417 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that where there are one or more felony charges against one or more persons for the same act or transaction, or for two or more actions or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses which may be properly joined, the whole may be joined in one indictment in separate counts, charging separate offenses and a conviction may be secured for each offense in the same trial under the same indictment; providing for judgment and sentence for each offense; providing for the manner of returning verdicts by the jury; providing that failure to reach a verdict on any count shall not be a bar to judgment on counts on which verdict is returned; providing for numbering the counts of indictments."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Woodward.

S. B. No. 58.

A BILL

To Be Entitled

An Act to amend Article 417 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that where there are one or more felony charges against one or more persons for the same act or transaction, or for two or more actions or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses which may be properly joined, the whole may be joined in one indictment in separate counts, charging separate offenses, and a conviction may be secured for each offense in the same trial under the same indictment; providing for judgment and

sentence for each offense; providing for the manner of returning verdicts by the jury; providing that failure to reach a verdict on any count shall not be a bar to judgment on counts on which verdict is returned; providing for numbering the counts of indictments; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 417 of the Code of Criminal Procedure of the State of Texas for 1925 be amended so the same shall hereafter read as follows:

Art. 417. An indictment or information may contain as many counts, charging the same offense, as the attorney who prepares it may think necessary to insert. An indictment or information shall be sufficient if any one of its counts be sufficient. Where there are one or more charges against one or more persons for the same act or transaction, or for two or more acts or transactions, or for two or more acts or transaction of the same class of crimes or offenses, instead of having several indictments, the whole may be joined in one indictment in separate counts, charging separate offenses. It shall not be necessary for the several counts in such indictment to be heard in separate trials, but evidence may be admitted under all of the counts in the same trial and a conviction may be secured in the same trial upon each count in the indictment which is sustained by the evidence, and the judgment of the court shall be entered and the defendant sentenced and punished for each offense of which he is found guilty the same as if tried under separate trials. In such cases, if the jury finds that the defendant is not guilty of all of the offenses charged, a general verdict of "not guilty" may be returned, but in case a defendant is found guilty of any of the offenses, the jury shall specify the count or counts on which he is found guilty and the punishment assessed for each offense. In case the defendant is found "guilty," or "not guilty" of one or more offenses charged in the indictment and the jury is unable to agree on a verdict one or

more of the offenses charged, then the verdict shall state the count or counts on which it is unable to reach a verdict. The failure of the jury to return a verdict on any count or counts or to specify the count or counts on which it is unable to reach a verdict shall not be a bar to judgment on the count or counts on which a verdict has been returned. It shall be permissible in writing indictments under this article to number each count.

Sec. 2. The importance of this legislation and the fact that the law as it exists today does not permit a conviction for more than one felony offense under the same indictment, and the desirability of this legislation create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendments.

After word "returned" in 14th line of caption add: "providing for entering order of mistrial."

After word "returned" in next to last sentence in first section add the following:

"And an order of mistrial shall be entered on those counts on which a verdict is not returned and a trial may later be had on such counts."

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 60, A bill to be entitled "An Act to amend Article 3137 of Chapter 13 of Title 50, of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature of said State in the year, A. D. 1925."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form but that it be printed in the Journal.

NEAL, Chairman.

By Senator Lewis:

S. B. No. 60.

A BILL

To Be Entitled

An Act to amend Article 3137 of Chapter 13 of Title 50, of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature of said State in the year, A. D. 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3137 of Chapter 13 of Title 50 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature of said State in the year, A. D. 1925, be and the same is hereby amended so as hereafter to read as follows:

"Article 3137. (3138) On the third Monday after the fourth Saturday in July 1926, and every two years thereafter the State executive committee shall meet at a place selected at the meeting held on the second Monday in June preceding, and shall open and canvass the returns of the primary elections held on the fourth Saturday in July as to candidates for State offices, as certified by various county chairman, and shall prepare a tabulated statement showing the number of votes received by each candidate in each county, which statement shall be approved by the State Committee and certified by its chairman. If such returns show that for any State office no candidate received a majority of all the votes cast for all candidates for such office, such committee shall prepare a list of the two candidates receiving the highest vote for each office for which no candidate received a majority of votes cast at such primary for such office and shall certify same to the county chairman of the several counties to be placed upon the official ballot as candidates for office at the second primary election to be held on the fourth Saturday in August thereafter. On the third Monday after the fourth Saturday in August 1926, and every two years thereafter, the State executive committee shall meet at the place selected for the meeting of the State convention and shall open and canvass the returns of the second primary election held to nominate candidates for State offices as certified by the various county chairman to the State chairman, and shall prepare a tabulated statement showing the number of votes re-

ceived by each such candidate in each county, which statement shall be approved by the State committee and certified by its chairman. At this meeting the State committee shall also prepare a complete list of the delegates elected to the State convention from each county, as certified to the State chairman by each county chairman. The State chairman shall present said tabulated statement and and list of delegates to the chairman of the State convention immediately after its temporary organization on the following day, for its approval or disapproval.

. Committee Room,
Austin, Texas, May 26, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 63, A bill to be entitled "An Act to amend Article 7884 and 7887 of the Revised Civil Statutes of 1925, respecting the formation of Fresh Water Supply districts, so that the notice of hearing shall specially state interested persons may appear and contest the formation thereof; and requiring the commissioners' court to hear evidence as to the necessity, feasibility and practicability and benefits to accrue to the lands proposed to be included and, before ordering such election to organize such district, to find such project is necessary and feasible and of benefit to the lands; Further providing, that in such Districts heretofore formed, where a notice has been issued in conformity to Article 7884 and the petition conforms to Article 7882 and due notice of the hearing before the commissioners' court was given provided in Article 7884, and such hearing was had and it was found such project was necessary and feasible, as shown by order of such court, and such election was ordered and the district confirmed by majority vote, are hereby declared to be sufficient and in conformity with the intent of this Act and are hereby validated as of the several dates and all bonds voted or issued under such district and such districts, declared legally formed with the boundaries as set out, severally, in such orders; And declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the

recommendation that it do pass, and be printed in the Journal, but that it be not otherwise printed.

BLEDSON, Chairman.

By Bledson.

S. B. No. 63.

A BILL

To Be Entitled

An Act to amend Articles 7884 and 7887 of the Revised Civil Statutes of 1925, respecting the formation of Fresh Water Supply Districts, so that the notice of hearing shall specifically state interested persons may appear and contest the formation thereof; and requiring the commissioners' court to hear evidence as to the necessity, feasibility and practicability and benefits to accrue to the lands proposed to be included and, before ordering such election to organize such district, to find such project is necessary and feasible and of benefit to the lands; further providing, that in such districts heretofore formed, where a notice has been issued in conformity to Article 7884 and the petition conforms to Article 7882 and due notice of the hearing before the commissioners' court was given as provided in Article 7884, and such hearing was had and it was found such project was necessary and feasible, as shown by order of such court, and such election was ordered and the district confirmed by majority vote, are hereby declared to be sufficient and in conformity with the intent of this Act, and are hereby validated as of the several dates and all bonds voted or issued under such districts, and such districts declared legally formed with the boundaries as set out, severally, in such orders; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7884, Revised Civil Statutes of 1925, shall hereafter read:

"7884. The commissioners' court or county judge, as the case may be, shall forthwith fix a time and place at which the petition shall be heard by the court not less than fifteen nor more than thirty days thereafter, and shall direct the county clerk, as ex-officio clerk of said court, to issue notice of such time and place of hear-

ing. Such notice shall inform all persons of their right to appear and contest the form, and allegations of such petition, and the necessity and feasibility of such project, and the benefits to accrue, which notice may be delivered to any adult who is willing to execute the same by posting as herein directed."

Sec. 2. Article 7887 shall hereafter read:

"7887. If, upon the hearing of such petition, it be found that the same sets forth and conforms to the requirements of Article 7882, and that such project is feasible and practical, is necessary and would be of benefit to the lands therein, such court shall so find by its order, and shall order an election within the boundaries of such proposed district as set forth in the petition, which shall be held not less than twenty nor more than thirty days from the date of such order whereat the property tax paying voters within such boundaries may determine if such proposed district shall be established for the purposes and with the powers set out in this chapter, and for the election of five supervisors and a person to be assessor and collector of taxes."

Sec. 3. In all Fresh Water Supply Districts heretofore formed, or now being formed, wherein the petition for such conforms to the requirements of Article 7882, setting out the necessity and feasibility of such project, and a notice of the time and place of hearing was given by the clerk, as directed in Article 7884, Revised Civil Statutes of 1925, and same was duly posted, and upon the hearing it was found by the commissioners' court that such petition was signed by the requisite number of proper parties, and was necessary and feasible, which shall be construed as a finding that same is a benefit to the lands therein, and ordered an election as provided, and for the purposes set forth, in Article 7887, Revised Civil Statutes of 1925, and at which election a majority of such voters voted in favor of the district, are hereby declared to have been legally created within the meaning, intent and purposes of this Chapter, and the same are hereby validated as of the respective times

and dates of such proceedings, and are recognized and established and with the boundaries as set forth in such several districts, and all bonds voted or issued thereunder are validated and declared to be legal and binding obligations of such several districts, according to their terms.

Sec. 4. The near approach of the end of the present session, the crowded condition of the calendar, and the fact that some question has arisen as to proceedings in such districts had and to be had because of want of particularity of the order of the commissioners' court required under the law now existing, creates an emergency and a public necessity that the reading hereof on three several days be and the same is hereby suspended and this passed on the time of its introduction, and it is so enacted.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 59, A bill to be entitled "An Act to repeal Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas, and substituting in its place a new article providing that every political party in this State through its State Executive Committee shall have the power to prescribe the qualifications of its own members who shall be qualified to vote or otherwise participate in such political party, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form but that it be printed in the Journal.

NEAL Chairman.

By Lewis, Bowers, S. B. No. 59.
Holbrook.

A BILL

To Be Entitled

An Act to repeal Article 3107 of Chapter 13 of the Revised Statutes of Texas, and substituting in its place a new article providing that every political party in this State through its State Executive Committee shall have the power

to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas, be and the same is hereby repealed and a new article is hereby enacted so as to hereafter read as follows:

"Article 3107.—Every political party in this State through its State Executive Committee shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party."

Sec. 2. The fact that the Supreme Court of the United States has recently held Article 3107 invalid, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 15, A bill to be entitled "An Act creating and defining by metes and bounds Road District No. Two of Hidalgo County, Texas, under the authority of Article 3, Section 52, of the Constitution of the State of Texas; for the purpose of constructing, maintaining and operating macadamized, graveled, or paved roads and turnpikes, or in aid thereof; provided that such district shall be made a body corporate and taxing district under the Constitution and laws of the State of Texas; including certain territories heretofore embraced and contained within the old original Road District No. 1 of Hidalgo County, Texas; providing that the present outstanding bonds of said original Road District No. 1 shall remain a charge against all taxable properties situated within said orig-

inal district at the date of the issuance of the present outstanding bonds thereof; providing that the commissioners' court of Hidalgo County shall continue to levy, assess, and collect, annually, sufficient taxes to pay the interest thereon and provide sinking funds sufficient to pay the principal at maturity, said taxes to be levied and collected upon all the property situated in said district as it existed at the time of the issuance of the present outstanding bonds; providing that said district hereby created shall have authority to issue serial bonds for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of said district as herein defined; providing for the levy and collection of taxes sufficient to pay the interest on and provide a sinking fund therefor, such bonds and taxes to be a charge against all property, real and personal, situated in the hereinafter defined district; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 18, A bill to be entitled "An Act to repeal the Coleman County Special Road Law, being Chapter 52, page 461, Special Laws of the Regular Session of the Twenty-ninth Legislature, and the amendments to said law passed by Chapter 97, page 763 of the Special Laws of the Regular Session of the Thirtieth Legislature; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 62, A bill to be entitled "An Act amending Section 2, of Chapter 142, of the General and Special Laws of the Regular Session of the 40th Legislature so as to authorize the money therein appropriated to be used for the payment of debts of the Prison System already created in addition to the purpose for which said appropriation was made by the Act of the Regular Session of the 40th Legislature herein amended; and declaring an emergency."

Have the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 48, A bill to be entitled "An Act relating to the duties of the County Board of Trustees of the public schools of this State, in all counties having not less than 34,000 and not more than 34,500 population, according to the Federal census of 1920, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts so as to provide a standard elementary and high school educational opportunity for every school child; to increase or reduce the area of Independent and Common School Districts; create additional districts; consolidate two or more adjacent boundaries of any district; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the County Board of School Trustees; and repealing all laws, general or special, in conflict there-

with, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back with the recommendation that it do pass but be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 75, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 76, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State for the several institutions and departments of the State Government, and named herein, for the balance of the fiscal year ending August 31, 1927; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 41, A bill to be entitled "An Act for the relief of the Independent School District of Rock Springs, and the City of Rock Springs, in Edwards County, Texas, in order to aid said municipality in the reconstruction of public property destroyed by the recent cyclone in that community on the 12th day

of April, 1927; granting and appropriating to said School District the sum of Fifty Thousand (\$50,000) Dollars for school building purposes, the sum of Fifteen Thousand (\$15,000) Dollars for equipping school buildings, the sum of Ten Thousand (\$10,000) Dollars for maintenance of its schools, for the school year ending in 1928, and the sum of Five Thousand (\$5,000) Dollars for the maintenance of its schools for the school year ending in 1929; granting and appropriating to said City of Rock Springs the sum of Twenty Thousand (\$20,000) Dollars for rebuilding and re-habilitating its water works system; Prescribing manner in which the funds hereby granted and appropriated shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred

S. B. No. 52, A bill to be entitled "An Act enacting a new section of Chapter 59, General Laws, Regular Session, 39th Legislature, said Chapter 59 being also carried in the Revised Civil Statutes of 1925 as Articles 2922A to 2922L inclusive, so as to include independent school districts having not to exceed 250 scholastics within the provisions of said Chapter 59 relating to school districts and schools; authorizing such independent school districts to be grouped into and made a part of rural high schools districts; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back with the recommendation that it do pass, be not printed in bill form, but printed in the Journal.

WITT, Chairman.

By Senator Witt. S. B. No. 52.

A BILL

To Be Entitled

An Act enacting a new section of Chapter 59, General Laws, Regular Session, 39th Legislature, said Chapter 59 being also carried

in the Revised Civil Statutes of 1925 as Articles 2922A to 2922L inclusive, so as to include independent school districts having not to exceed 250 scholastics within the provisions of said Chapter 59 relating to school districts and schools; authorizing such independent school districts to be grouped into and made a part of rural high school districts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby enacted a new section of Chapter 59 of the General Laws of the Regular Session of the 39th Legislature to be numbered Section 1a, which shall read as follows:

"Sec. 1a. Any independent school district having not to exceed 250 scholastics may also be grouped into and made a part of any such rural high school district, and for the purpose of this Act wherever the words "common school district" are used the same shall be taken as including any such independent school district, and the provisions of this Act shall be applicable thereto to the same extent as common school districts are affected by the Act."

Section 2. The fact that the statutes of this State do not include independent school districts such as those mentioned in this Act within the provision of said laws relative to rural high school districts, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 64, A bill to be entitled "An Act to create and establish for each of the incorporated cities of this State having a population of twenty-five thousand or more inhabitants, a court with jurisdiction co-extensive with the territorial limits of such city concurrent with the county courts, county courts at law

and the justice courts of this state over all misdemeanors committed within the territorial limits of such city, and over violations of all ordinances of such city, and to prescribe the organization and procedure of such courts, county courts at law and the justice courts thereto. To provide for a judge and a clerk of said court and for the appointment of such judge, and prescribe their qualifications and the term of office of such judge and the mode of qualifying for such office; and prescribing the procedure in such courts and the method of selecting, summoning and qualifying juries and jurors therein, and for the forfeiture of bail bonds in said court. Providing for an appeal from conviction in said court direct to the Court of Criminal Appeals of Texas. Providing for a name and seal for said court and constituting same a court of record and providing the manner of keeping the records and minutes of said court and providing that counties of this state having a city of five thousand or more inhabitants may amend their charters so as to adopt such court as a part thereof as provided by charter thirteen of title twenty-eight of the Revised Civil Statutes of Texas, or by an ordinance of such city, repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the journal but not otherwise.

HOLBROOK, Chairman.

By Love.

S. B. No. 64.

A BILL To Be Entitled

An Act to create and establish for each of the incorporated cities of this State, having a population of twenty-five thousand or more inhabitants, a court with jurisdiction co-extensive with the territorial limits of such city concurrent with the county courts, county courts at law and the justice courts of this State over all misdemeanors committed within the territorial limits of such city, and over violations of all ordinances of such city, and to prescribe the organization and procedure of such courts and to conform the juris-

diction and procedure of such county courts, county courts at law and the justice courts thereto, to provide for a judge and clerk of said court and for the appointment of such judge, and prescribe their qualifications and the term of office of such judge and the mode of qualifying for such office; and prescribing the procedure in such court and the method of selecting, summoning and qualifying juries and jurors therein, and for the forfeiture of bail bonds in said court, providing for an appeal from conviction in said court direct to the court of Criminal Appeals of Texas, providing for a name and seal for said court and constituting same a court of record and providing the manner of keeping the records and minutes of said court and providing that counties of this State having a city of five thousand or more inhabitants may amend their charters so as to adopt such court as a part thereof as provided by chapter thirteen of title twenty-eight of the Revised Civil Statutes of Texas, or by an ordinance of such city, repealing all laws and parts of laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby created and established for each of the incorporated cities of this State having a population of five thousand or more inhabitants, a court to be known as a Municipal Court of the City in which it is established subject to the action of said City in amending its charter so as to adopt said court, or in accepting said court by ordinance, as hereinafter provided.

Sec. 2. Said court shall have jurisdiction co-extensive with the territorial limits of such cities accepting the provisions of this Act concurrent with the justice court of the justice precinct in which such city is situated and with the county court of the county in which said city is situated, of all of those offenses designated by the laws of this State as misdemeanors, committed within the territorial limits of such city and of all violations of the Ordinances of such city made penal by the provisions of the Ordinances of said city and the jurisdiction of the county

courts and of the county courts at law effected hereby shall be and are hereby conformed to the changes made by the provisions of the Act.

Sec. 3. Upon the acceptance of the provisions of this Act by any city having a population of twenty-five thousand or more inhabitants, a judge shall be appointed by the governing body of said city, to preside over said court and the person so appointed as judge of said court shall be a licensed practicing attorney at law and a resident of such City and a qualified voter in said city under the constitution and laws of the State of Texas and shall not engage in the trial of criminal cases in any court of this State either for and on behalf of the defense or prosecution of said case during his term of office. Said judge shall hold his office for a term of two years and until his successor has been duly appointed and qualified in the manner herein provided, and before entering upon the duties of his office he shall be required to take the oath or affirmation provided by Section 1 of Article 16 of the Constitution of the State of Texas, which said oath will be duly recorded in the minutes of said court. In the event said judge shall be disqualified or absent from the city or for any reason is unable to hold court, the Mayor or chief executive officer of such city shall designate in writing, some competent person with the qualifications above set forth to act as special judge in any cause wherein such judge may be disqualified, or during the time that such judge is absent from the city or unable to attend court and such person so designated as special judge shall have all of the qualifications as are provided herein for the judge of said court and shall be required to prescribe the oath provided by Section 1 of Article 16 of the Constitution of the State of Texas, and said appointment of said special judge and said qualification shall be entered upon the minutes of said court and form a part of the permanent records of said court. The judge of said court and the special judge appointed in the manner hereinbefore set out shall receive for their services compensation as shall be fixed by the governing body of such city.

Sec. 4. The City Clerk or the City Secretary of such City in event there shall be no city clerk, shall be

the ex-officio clerk of said court and he may appoint a deputy clerk whenever in the judgment of the governing body of each city a deputy is necessary, to aid said clerk in the discharge of his duties and such clerk and deputy clerk shall receive such compensation for such services as shall be provided by the governing body of said City.

Sec. 5. It shall be the duty of said clerk on the last day of each month to make a written statement showing all moneys received up to the date of such statement and since his previous statement; also the name of each juror who has served during said month and the number of days he has served and the amount due such juror for his services, which statement shall be examined, corrected and approved and signed by the judge of said court and when so approved and signed shall be recorded in the minutes of said court. He shall have the custody of all records pertaining to said court and shall carefully attend to the arrangement and preservation of the same. The said clerk shall keep in well bound books, which shall be provided by the governing body of said city, full and complete alphabetical indexes of the names of all parties against whom complaints have been filed in said court, properly so as to show the name of each party under the proper letter; and the reference shall be made opposite each name to the page upon the minute book upon which is entered the judgment in each case.

Sec. 6. Each of said cities accepting the provisions of this Act shall be provided with a seal having engraved thereon a star of five points in the center and the words "municipal court of the city of _____, Texas", with the name of the city in which such court was established engraved in the blank spaces, the impress of which shall be attached to all processes except subpoennas issued out of said court shall be a court of record and the proceedings and minutes of said court shall be kept by said clerk in a well bound book to be furnished by said city and shall form and compose the permanent archives of said court.

Sec. 7. The minutes of proceedings of each preceding day shall be read in open court on the morning of the succeeding day except the last day of each month on which said

court is held, on which day they shall be read, corrected and signed in open court by the judge of said court. Such special judge shall sign the minutes of such proceedings as were had before him.

Sec. 8. The Clerk of said court shall have the power and it is hereby made his duty to issue subpoenas for witnesses in said court under the same rules as are now provided by law for the issuance of subpoenas for witnesses in criminal cases in the county courts of the State of Texas and the judge of said court shall have the same authority to compel attendance by witnesses summoned to attend said court and to punish disobedience of such summons as is now provided by law for the various county judges of the State of Texas.

Sec. 9. All rules of pleading and practice and procedure now established for the county courts and county courts at law of the State of Texas, shall apply in said court in so far as the same are applicable except that the proceedings in said court shall be commenced by complaint in the manner and under the regulations as now provided by law in cases prosecuted before the justice of the peace. Complaints before said court may be sworn to before the judge of said court, the clerk of said court or his deputy or the city attorney of such city, each and all of which said officers shall have power and authority to administer oaths to persons filing a complaint against any persons in said court.

Sec. 10. In all prosecutions in said court whether for violation of any ordinance of said city or of an offense made punishable under the penal laws of the State of Texas, the complaint shall begin "In the name and by the authority of the State of Texas" and shall conclude "Against the peace and dignity of the State", and in all other respects such complaints shall conform to the laws of this State regarding the form and substance of complaints charging a violation of a law made punishable as a misdemeanor.

Sec. 11. The City attorney of such city appointed or elected and qualified under such provisions as shall be provided by the Charter of such

city shall represent the State and shall conduct all prosecutions in said court, provided the county attorney of the county in which said city is situated may, if he so desires, also represent the State of Texas before said court, but in such case the county attorneys shall not be entitled to receive any fees or other compensation whatever for such services.

Sec. 12. A jury in said court shall be composed of six men possessing the same qualifications and subject to the same disqualifications and challenges that are now provided by law for jurors in the trial of criminal cases in the county courts of this state; and all cases before said court shall be tried by a jury except when a jury is expressly waived by the defendant, in which case the judge trying the case shall hear the evidence and pass upon the guilt or innocence of the accused.

Sec. 13. Upon the trial of all cases in said court, all laws relating to the charge of the court and governing the practice in the county courts of this State shall apply to this court.

Sec. 14. All process issued out of such court shall be served by the chief of police or any policeman of such city under the same rules and regulations as are now provided by law for service by sheriffs and constables, of process issued out of the county courts of this State.

Sec. 15. The chief of police of such city or any policeman of such city designated by such chief of police shall act as bailiff to wait upon said court during the session thereof and shall render the same service to said court as is rendered to the county courts of this State by the sheriffs and constables as bailiff of said court.

Sec. 16. Between the first and fifteenth days of August of each year in all cities accepting the provisions of this Act, the mayor, the chief of police, and the city clerk shall meet at a room designated and set apart by the governing body of said city for the purpose of holding said court within the corporate limits of said city and select from a list of the qualified jurors residing within the territorial limits of such city qualified as such under the constitution and laws of this State as shown

by the tax list in the office of the tax assessor for said city for the current year, the jurors for service in said court for the ensuing year in the manner hereinafter provided; and said jurors shall be selected in such manner as is provided by the provisions of Articles 2095, 2096, 2097, 2098, 2099, 2100 and 2103, of the Revised Civil Statutes of Texas relating to the selection, notification and summoning of jurors for the district and county courts of counties having a city containing a population aggregating twenty-five thousand or more people, and all provisions of the above named articles of the civil statutes shall apply to the selection, notification, summoning and impaneling of jurors in the court hereby created and established except that the duties imposed upon the judges of the district and county courts by said articles shall be performed and discharged by the judge of the court hereby created and the duties imposed upon the sheriff of such county or one of his deputies by said articles of the revised civil statutes shall be discharged by the chief of police or some member of the police force of such city and designated by the chief of police to perform such service, and the duties imposed by said articles of said statute upon the clerk of the district and county courts of said county shall be discharged by the clerk of the court hereby created and hereinbefore designated and the obligations imposed upon the commissioners' court of such counties by the articles of the civil statutes hereinbefore referred to shall be imposed upon and discharged by the governing body of the city amending its charter so as to accept the provisions hereof or accepting the same by ordinance in the manner hereinafter set out.

Sec. 17. All laws relating to the enforcement of the judgments and decrees and the collection of fines assessed in the county courts and justice courts of this State shall apply to the enforcement of the judgment of this court and the collection of fines imposed by this court.

Sec. 18. The clerk of said court and the chief of police of each city accepting the provisions of this Act shall keep a fee book and enter therein all fee charged for services

rendered in any criminal action or proceeding; which book may be inspected by any person interested in such costs and the provisions of Chapter 1, Title 15, of the Code of Criminal procedure, relating to fee and costs, shall apply to all cases tried in said court.

Sec. 19. All costs and fines imposed by the said court in any prosecution therein shall be paid unto the City Treasurer of such city for the use and benefit of such City except where otherwise expressly provided by law.

Sec. 20. The same fees and costs in criminal actions shall be taxes in cases filed in said court as are provided for by the Code of Criminal Procedure in misdemeanor cases in the justice and county courts of this State.

Sec. 21. All persons charged in said court with a misdemeanor shall be admitted to bail under the same conditions as are provided by law for persons charged with misdemeanors in the justice and county courts of this State and the requisites of a bond for the appearance of any defendant in said court shall be those provided by Article 273 of the Code of Criminal Procedure of Texas; in so far as the same relate to misdemeanors, and the judge of said court shall have the same authority to admit any person to bail that the judge of any county court or any justice of the peace in this State would have when such person was charged in said court with a misdemeanor and all laws relating to the taking of bond and admitting persons charged with a misdemeanor to bail and to the forfeiture of bonds provided by the Code of Criminal Procedure in Texas where persons are charged with a misdemeanor shall apply to this court as fully and as effectively as they apply to the county and justice courts of this State and the judge of said court shall have full authority to forfeit any bond for the appearance of any person before his court after default thereof under the same rules and conditions as are provided by the Code of Criminal Procedure of Texas for the forfeiture of bonds by the county judges and justices of the peace of this State and the provi-

sions of Chapter 4, Title 7, of the Code of Criminal Procedure of Texas, except that it is hereby provided the judgment of the court upon the forfeiture of bail bonds shall be made final on a date to be fixed by said court not less than ten days from the date of said forfeiture unless good cause is shown on said date why the defendant did not appear instead of at the next term as is provided by Article 425 of the Code of Criminal Procedure of Texas, and sureties on such bond shall be cited and required to appear on such date instead of at the next term of the court as is provided by Article 426 of the Code of Criminal Procedure of Texas, and the judgment of said court in such proceeding shall be as valid and binding as the judgment of the county court and the justices of the peace of this State in matters of bond forfeiture and shall be enforced in the same manner and to the same extent as judgments of the county courts and of the justices of the peace in this State.

Sec. 22. From every conviction had in said court there should be a right of appeal, whether such conviction be had under a prosecution for a violation of an ordinance of the said city, or a law of the State, but such right of appeal shall lie only to the court of criminal appeals of Texas, and all appeals accordingly be returnable to the court of criminal appeals of Texas, and not otherwise; and the procedure on appeals from such court, shall in all respects, or as far as applicable, be governed by the laws of the State of Texas, relating to appeals from the county court to the Court of Criminal Appeals.

Sec. 23. Every City in the State of Texas having a population of five thousand or more inhabitants may amend its charter so as to accept the provisions of this Act and the court provided thereby under the provisions of Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, and the general laws of this State relating thereto, or by ordinance duly enacted by the Governing body of said city accepting the terms of this Act and the court created hereby and providing for the organization thereof, and upon the acceptance of the

provisions of this act and of the court hereby created by any of such cities, the court hereby created shall supercede the corporation court, the recorder's court, or any other municipal court now in existence in any of said cities and the jurisdiction of said courts so superceded shall be vested in the court hereby created.

Sec. 24. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 25. Whereas, there is now no court available to cities in this State with populations of five thousand and inhabitants or more with jurisdiction over misdemeanor cases concurrent with the county courts and county courts at law in this State, and whereas, a great number of complaints are filed in the county courts and county courts at law of this State in counties having cities with populations of twenty-five thousand or more inhabitants, which results in great congestion of the dockets of said county courts and county courts at law, and which results in great inconvenience and delay in the effective enforcement of the law and in bringing to justice those charged with misdemeanors cognizable in the county courts and county courts at law in this State, and results in great delay and renders the enforcement of the law as to such character of misdemeanors ineffectual and unsatisfactory, and such facts create an emergency and an imperative public necessity requiring that the rule which requires bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 69, A bill to be entitled "An Act to amend Chapter 16, Article 2867 of the Revised Civil Statutes of the State of Texas, 1925, fixing the maximum portion of the Ad Valorem School Tax to be used for the purchase and distribution of Free Text Books; and declaring an emergency."

Have had the same under consid-

eration and I am instructed to report it back with the recommendation that it do pass, be not printed in bill form but printed in the Journal.

WITT, Chairman.

By Bowers, Moore. S. B. No. 69.

A BILL

To Be Entitled

An Act to amend Chapter 16, Article 2867 of the Revised Civil Statutes of the State of Texas, 1925, fixing the maximum portion of the Ad Valorem School Tax to be used for the purchase and distribution of Free Text Books, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 16, Article 2867 of the Revised Civil Statutes of the State of Texas, 1925, be amended so as to hereafter read as follows:

Section 2. In order to carry out the provisions of this Act, the State Board of Education shall annually, at a meeting designated by them each year, set apart out of the available free school funds of the State an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this State for the scholastic year ensuing.

Provided, however, that the amount so set apart out of such available free school funds shall in no event exceed three cents on the One Hundred Dollars' valuation of all real property situated, and all property owned, in the State of Texas on the first day of January of each and every year and all property sent out of the State prior to the first day of January for the purpose of evading the payment of taxes thereon and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or the United States.

Sec. 3. The importance of conserving the available school funds of the State and the necessity of raising the scholastic per capita to not less than fifteen dollars (\$15) and the necessity of avoiding the expense of constant and repeated changes in the text books of the State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be sus-

pended and the same is suspended, and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, May 27, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 33, A bill to be entitled "An Act making better provisions for the improvement of lateral roads in this State; making an appropriation for each of the two years ending August 31, 1928, and August 31, 1929, out of the State Highway Fund in the State Treasury for the benefit of lateral roads; defining lateral roads as being roads connecting with the intersecting State designated highways; prescribing the method of using said money and providing for the same to be matched by the counties with an equal amount; prescribing how the road work shall be done with said money; enacting all things necessary and incidental to the main subject and purpose of this Act whether mentioned in this caption or not; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Fairchild.

S. B. No. 33.

A BILL

To Be Entitled

An Act making better provision for the improvement of lateral roads in the State; making an appropriation for each of the two years ending August 31, 1928, and August 31, 1929, out of the State Highway Fund in the State Treasury for the benefit of lateral roads; defining lateral roads as being roads connecting with and intersecting State designated highways; prescribing the method of using said money and providing for the same to be matched by the counties with an equal amount; prescribing how the road work shall be done with said money; enacting all things necessary and incidental to the main subject and purpose of this

Act whether mentioned in this caption or not; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the State Highway Fund in the State Treasury the sum of \$2,500,000, for the year ending August 31, 1928, and the sum of \$5,000,000, for the year ending August 31, 1929, to be used for the benefit of lateral roads in this State as provided in this Act.

Sec. 2. The State Highway Commission shall estimate how much of said fund each county will be entitled to, taking into consideration the mileage of lateral roads in the county and the condition of such roads, and shall award an amount to any county making application for same and agreeing to match the amount awarded by the State Highway Commission with a like amount of county funds for improvement of lateral roads in the county. When such an award has been made and the same matched by an equal amount by the county the lateral roads shall be improved by the county under the direction and subject to the approval of the State Highway Commission. The State Highway Commission shall approve any contract made by the county and shall have authority to send an engineer to supervise and inspect the work, and before final payments are made for the work, and State Highway Commission shall first approve the work as having been properly done according to plans and specifications previously approved by the State Highway Engineer. Lateral roads within the meaning of this Act means roads connecting with and intersecting State Designated Highways.

Sec. 3. The fact that no proper provision has been made for the improvement of lateral roads so that such roads may be taken out of the mud and the rural population may have adequate access to their markets and to the State designated highways, and this Act undertakes to improve this situation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby sus-

pended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 43, A bill to be entitled "An Act to better provide for the collection of delinquent taxes by providing more adequate compensation for county and district attorneys in connection with delinquent tax suits and delinquent tax collections; authorizing said officers to employ attorneys and other necessary help and pay them out of the compensation herein provided for district and county attorneys; authorizing said county and district attorneys to retain all of such compensation herein provided without the necessity of accounting for same as fees of office or paying over any part of same to the county or State; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with recommendation that it do pass and be not printed but be printed in the Journal.

WIRTZ, Chairman.

By Witt.

S. B. No. 43.

A BILL

To Be Entitled

An Act to better provide for the collection of delinquent taxes by providing more adequate compensation for county and district attorneys in connection with delinquent tax collections; authorizing said officers to employ attorneys and other necessary help and pay them out of the compensation herein provided for district and county attorneys; authorizing such county and district attorneys to retain all of such compensation herein provided without the necessity of accounting for same as fees of office or paying over any part of the same to the county or State such compensation to be in addition to any per diem fees, perquisites, or compensation now provided by law; prescribing the time within which said officers shall bring said tax suits and providing for a sworn affidavit to be

made in reference to bringing such suits before said compensation shall be paid; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In addition to the compensation now provided by law for county and district attorneys in delinquent tax suits, the county or district attorney as the case may be, shall be entitled to a commission on all delinquent taxes collected by suit for the county or State of fifteen per cent on any sum of one thousand dollars, or less, collected in any one suit and ten per cent on any sum collected in any one suit over one thousand dollars. If pursuant to activities of the county or district attorney in preparing for any such suit the taxes are paid prior to institution of suit, then in that event the county or district attorney shall be entitled to a commission of ten per cent on any amount of taxes on one thousand dollars or less so paid by any one taxpayer and five per cent on any amount so paid by any one taxpayer over and above one thousand dollars. The county or district attorney shall be entitled to the compensation herein provided in addition to the per diem fees, perquisites or compensation now provided by law and need not account for same as fees of office or pay any portion of same over to the State or county, and shall be entitled to retain all of said compensation.

Sec. 2. The county or district attorney, as the case may be, is hereby authorized to employ an attorney or attorneys or other help in connection with delinquent tax suits and delinquent tax collections and pay them out of the compensation herein provided for such county or district attorney.

Sec. 3. Within the meaning of this Act the words "delinquent tax suit" shall mean any suit for delinquent taxes on either real, personal or mixed property whether on the rendered or unrendered tax rolls or lists, and the words "delinquent taxes" shall mean any and all taxes on either real, personal, or mixed property whether on the rendered or unrendered tax rolls or lists. Occupation and gross receipts taxes and suits for same shall also be included within the meaning of said words and the provisions of this Act.

Sec. 4. Provided that it is not the intention of this Act to allow a commission in addition to commissions which may be provided by present laws for the same service, but the commissions herein provided shall supersede commissions now provided by law for the same service and shall not supersede or prevent the collection of other fees or compensation than commissions now provided by law.

Sec. 5. It shall be the duty of the county or district attorney to institute suit for delinquent taxes under the laws of this State, within sixty days after such taxes become delinquent in case of personal property, and within one year after the same become delinquent in the case of real property, and before the county or district attorney shall be entitled to receive any compensation provided in this Act he shall make sworn affidavit that he has filed all such delinquent tax suits as it was his duty to file under the law within said thirty days and one year respectively up to the time of making said affidavits.

Sec. 6. The fact that there are large amounts of taxes that are delinquent and due the State and the various counties of the State, and if the same were collected there would be plenty of State and county revenue to take care of all governmental needs without the necessity of providing for additional revenue, and the further fact that the compensation of county and district attorneys in delinquent tax suits and collections is too small to induce them to actively enforce the collection of delinquent taxes, and this Act undertakes to provide ample compensation for such officials to the end that in the collection of delinquent taxes, they will be induced to become active creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 27, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act fixing the open season for hunting, taking or killing Black Tail Deer in that part of the State west of the Pecos River; limiting and restricting the killing of such deer during said open season in said territory; prescribing the penalty for violating any provision of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Berkeley. S. B. No. 61.

A BILL To Be Entitled

An Act fixing the open season for hunting or killing Black Tail Deer in that part of the State west of the Pecos River; limiting and restricting the killing of such deer during said open season in said territory; prescribing the penalty for violating any provision of this Act; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter it shall be unlawful to hunt, take or kill any Black Tail Deer in any part of this State west of the Pecos River except during the period from the first to the tenth day of November inclusive of each year, and in said territory during said open season it shall be unlawful to hunt, take or kill any such deer unless it be a buck, with pronged horn, and it shall be unlawful to kill more than one such pronged horn buck during any one open season in said territory. Any person violating any provision of this Act shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars.

Sec. 2. The fact that the provisions of this Act are necessary in order to preserve the Black Tail species of deer in the territory affected by this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that

this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
May 30, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Price. Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Ward:

S. B. No. 78, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925 as amended by Chapter 290 of the General and Special Laws of the Regular Session of the 40th Legislature so as to correct an error as made by the 40th Legislature in reference to the salary of county commissioners in counties having an assessed valuation of less than \$6,500,000.00, and making certain other changes in said Article 2350 in reference to the compensation of county commissioners; and declaring an emergency."

Read first time and referred to Committee on State Affairs.